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Applicant: Forman et al )  
Serial No.: 09/590,447 )  
Filed: June 9, 2000 )  
For: METHODS FOR MODULATING )  
FXR RECEPTOR ACTIVITY )  
Examiner: Hui, S. )

Group Art Unit: 1617

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail bearing Serial Number EL 385358394 in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

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Signature: Bonnie Ferguson

Date of Signature: 8/24/01

AMENDMENT AND REPLY TO RESTRICTION REQUIREMENT

Box Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This communication is in reply to the Restriction Requirement mailed June 25, 2001.

Additionally, in reviewing the present application and comparing it with the provisional patent application 06/138,968 to which it claims priority (and which it explicitly incorporates by reference in the first sentence), Applicants noted that the non-provisional filing did not contain the Figures and Sequence Listing filed in the provisional case. Applicants regret any inconvenience caused by this error.

Applicants therefore are including with this communication 1) Formal Figures 1-6 (9 sheets), 2) a paper copy of the sequence listing filed in the above referenced provisional patent application, and 3) a computer-readable form (CRF) of the sequence listing. Applicants hereby state that the CRF and the paper copy of the sequence listing are identical to each other and to the sequence listing filed in provisional patent application 06/138,968.

The formal drawings are likewise supported by the patent specification as filed and by the '968 provisional patent application. In filing these drawings Applicant neither admit nor believe that the drawings

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are necessary for the understanding of the subject matter sought to be patented, but rather submit that the drawings are useful to illustrate the disclosure already present in the specification.

### AMENDMENTS

Kindly enter the following amendments:

#### IN THE SPECIFICATION

Please add the attached formal drawings 1-6 (9 sheets) as part of the present specification.

#### IN THE SEQUENCE LISTING

Please add the attached sequence listing as part of the present patent application.

### REMARKS

The Examiner has made claims 1-40 subject to a Restriction Requirement. The Examiner has decided that Claims 1-13 and 31-40 (in part) are drawn to a method of treating a pathological condition, including hypercholesterolemia by including a compound of formula 1, claims 1-13 and 31-40 (in part) to the same method, employing compounds of formula 2, Claims 1-13, 14-30 and 31-40(in part) are drawn to the same method employing compounds of formula 3, and claims 1-13 and 31-40 are drawn in part to the same method using a compound of formula 4. The Examiner has designated these respective methods into Groups I-IV. Applicants note that, in light of their provisional election of species, below, the method claims shall now be prosecuted as methods of treating hypocholesterolemia rather than hypercholesterolemia.

Applicants elect to proceed with the prosecution of Examiner's Group III, drawn to methods of using compounds of formula three. Applicants thus cancel claims 14-30 without prejudice to their later